

## Department of Planning and Zoning

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*Elsie Tillotson, Department Secretary*



**TO:** Development Review Board  
**FROM:** Scott Gustin *SG*  
**DATE:** July 16, 2013  
**RE:** 13-1233CA/CU; 42 Elmwood Avenue

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**Note:** These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. **THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.**

Zone: RH Ward: 3

Owner/Applicant: Sandra Lathem

**Request:** Conditional use review to add one studio room to existing bed and breakfast for a total of two rooms, reconfigure parking, install new windows, and demolish sheds.

### **Applicable Regulations:**

Article 3 (Applications and Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), and Article 8 (Parking)

### **Background Information:**

The applicant is seeking approval expand the capacity of the existing bed and breakfast by one additional studio unit. Associated building renovations and parking reconfiguration are also proposed. There are no changes to employees or days/hours of operation.

Previous zoning actions for this property are listed below:

- 10/7/10, Approval to screen in existing porch
- 2/5/10, Approval for new garage doors
- 7/31/09, Approval to replace fencing with new fencing
- 4/28/09, Approval to change duplex to single family home with 1 suite bed & breakfast
- 3/31/09, Approval to establish office work home occupation
- 9/30/08, Approval to install 6 replacement windows
- 8/6/90, Approval to expand existing commercial floor space by 25%
- 4/5/90, Denial to expand existing commercial floor space
- 7/3/90, Approval to install freestanding and parallel signs
- 1/10/89, Denial of parking requirement variance
- 11/28/88, Denial to convert carriage barn into 1 additional dwelling unit
- 6/24/87, Approval to install rear door and to remove rear shed

**Recommendation:** Consent approval as per, and subject to, the following findings and conditions:

## I. Findings

### Article 3: Applications and Reviews

#### *Part 5, Conditional Use & Major Impact Review:*

*(1) The capacity of existing or planned community facilities;*

The property is served by municipal water and sewer. The additional studio space for the bed and breakfast will slightly increase demand on these services. A state wastewater permit may be needed. **(Affirmative finding as conditioned)**

*(2) The character of the area affected;*

The property is located in a neighborhood with a mix of residential, governmental, and religious uses. It is a short walk from the Church Street Marketplace and the rest of downtown. The modest expansion of this bed and breakfast will have no adverse impacts on the character of this mixed use neighborhood. **(Affirmative finding)**

*(3) Traffic on roads and highways in the vicinity;*

No traffic information has been provided; however, the expansion is expected to generate minimal additional traffic. **(Affirmative finding)**

*(4) Bylaws then in effect;*

As conditioned, the bed and breakfast conforms to the applicable zoning criteria. The applicant is responsible for complying with applicable building codes and energy efficiency requirements. **(Affirmative finding as conditioned)**

*(5) Utilization of renewable energy resources;*

No information has been provided with respect to the use of alternative energies. The proposed expansion will have no adverse impact on the real or potential use of alternative energies onsite. **(Affirmative finding)**

*(6) Cumulative impacts of the proposed use;*

The cumulative impacts associated with the expanded bed and breakfast are expected to be negligible. **(Affirmative finding)**

*(7) Functional family;*

This criterion does not apply to the subject permit request. **(Not applicable)**

*(8) Vehicular access points;*

A single driveway serves the property. The driveway provides sufficient access. **(Affirmative finding)**

*(9) Signs;*

No signage is included in this proposal. **(Not applicable)**

*(10) Mitigation measures;*

The expanded bed and breakfast is not expected to produce any perceptible adverse impacts on the neighborhood. Mitigation measures are unnecessary. **(Affirmative finding)**

*(11) Time limits for construction;*

No construction schedule is proposed, nor is one needed for a project of this small scope. The zoning permit will be valid for 2 years. **(Affirmative finding as conditioned)**

*(12) Hours of operation and construction;*

No changes to the days or hours of operation are proposed. Most guests are expected between May and October; however, the business will remain open all year. **(Affirmative finding)**

*(13) Future enlargement or alterations;*

Any future enlargement or change of use would be reviewed under the ordinance then in effect. **(Affirmative finding)**

*(14) Performance standards;*

See Sec. 5.5.3 for erosion control.

*(15) Conditions and safeguards;*

As conditioned, this project complies with the intent of the zoning ordinance and safeguards against adverse impacts. **(Affirmative finding)**

**Article 4: Maps & Districts**

***Sec. 4.4.5, Residential Districts:***

***(a) Purpose***

***(4) Residential High Density (RH)***

The subject property is located in the RH zone. This zone is primarily intended for high density residential development in the form of attached multi-family buildings. The bed and breakfast serves as a transient residential use in addition to the single family home component. The proposed expansion is consistent with character of the area and fits into the range of uses permitted and conditional in the RH zone. **(Affirmative finding)**

***(b) Dimensional Standards & Density***

The proposed work will increase lot coverage to 74.6%, below the 80% maximum permissible in the RH zone.

The front yard setback remains unchanged. The minimum required 5' rear yard setback will be observed by the reconfigured parking area. The reconfigured parking and newly constructed exterior stairway will also comply with the minimum required 5' side yard setback.

Overall building height will not change, nor will density. **(Affirmative finding)**

***(c) Permitted & Conditional Uses***

The bed and breakfast is a conditional use in the RH zone. No more than 5 rooms may be let, and the property must be owner occupied. The bed and breakfast is owner occupied. It currently has 1 room to be let. An additional studio room is proposed for a total of two rooms. The bed and breakfast continues to comply with these stipulations. **(Affirmative finding)**

***(d) District Specific Regulations***

None of the criteria under this subsection are affected by the expanded bed and breakfast. **(Not applicable)**

## Article 5: Citywide General Regulations

### *Sec. 5.2.3, Lot Coverage Requirements*

See Sec. 4.4.5 (b) above.

### *Sec. 5.2.4, Buildable Area Calculation*

(Not applicable)

### *Sec. 5.2.5, Setbacks*

See Sec. 4.4.5 (b) above.

### *Sec. 5.2.6, Building Height Limits*

See Sec. 4.4.5 (b) above.

### *Sec. 5.2.7, Density and Intensity of Development Calculations*

See Sec. 4.4.5 (b) above.

### *Sec. 5.4.8, Historic Buildings and Sites*

#### *(b) Standards and Guidelines*

1. *A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*

The home and attached barn are both included in the Vermont Register of Historic Places. The home will remain unchanged; however, some alterations to the barn are proposed. The utilization of the barn for guest accommodations is acceptable and provides for investment in this historic building. **(Affirmative finding)**

2. *The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*

The barn will be renovated with a new foundation and interior structural improvements. Exterior alterations include replacement of existing windows and introduction of new windows. An historically insignificant shed/carport will be removed from its side and will be replaced with a new exterior stairway to access the new guest accommodations. A new garage door is also proposed that will replace the existing barn doors. The proposed renovations are acceptable and leave the essential form and character of the building intact. Window details have not been provided and must be. The new and replacement windows must be wooden or clad wooden units. Similarly, details for the new garage door are lacking and must be provided. The existing barn door opening will be retained. **(Affirmative finding as conditioned)**

3. *Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.*

The proposal includes no conjectural alterations. There is no attempt to fabricate faux historic elements. **(Affirmative finding)**

4. *Changes to a property that have acquired historic significance in their own right will be retained and preserved.*

As noted above, the attached shed/carport to be removed is not historically significant. **(Affirmative finding)**

5. *Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*

The barn's significant materials, features, and finishes will be retained. As noted above, window and garage door details are needed. **(Affirmative finding as conditioned)**

6. *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials recognizing that new technologies may provide an appropriate alternative in order to adapt to ever changing conditions and provide for an efficient contemporary use. Replacement of missing features will be substantiated by documentary and physical evidence.*

Much of the barn's exterior will remain intact. Windows will be replaced, and additional new windows will be installed. The barn doors will be replaced with a new garage door. As noted above, window and garage door details are needed. **(Affirmative finding)**

7. *Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*

**(Not applicable)**

8. *Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*

There are no known archeological resources on the property. **(Affirmative finding)**

9. *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.*

The essential form and character of the barn will remain intact. Alternations are modest and reasonably expected to bring new life to the building as guest accommodations for the bed and breakfast. **(Affirmative finding)**

10. *New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

See #9 above.

#### ***Sec. 5.5.1, Nuisance Regulations***

Nothing in the proposal appears to result in creating a nuisance under this criterion. **(Affirmative finding)**

#### ***Sec. 5.5.2, Outdoor Lighting***

No new outdoor lighting is included in the project plans. If any is proposed, such as for the new doorway into the proposed bed and breakfast studio, a lighting fixture cut sheet must be provided and its location must be depicted on the elevation plans. **(Affirmative finding as conditioned)**

*Sec. 5.5.3, Stormwater and Erosion Control*

As more than 400 sf of earth disturbance is proposed, a “small project erosion control” form has been provided. This erosion control plan is subject to review and approval by the Stormwater Administrator. **(Affirmative finding as conditioned)**

**Article 6: Development Review Standards**

***Part 1, Land Division Design Standards***

Not applicable.

***Part 2, Site Plan Design Standards***

***Sec. 6.2.2, Review Standards***

*(a) Protection of important natural features*

No significant natural areas are impacted by this proposal. A single tree will be removed; however, new landscaping is also proposed. **(Affirmative finding)**

*(b) Topographical alterations*

No significant topographical alterations are proposed. **(Affirmative finding)**

*(c) Protection of important public views*

There are no significant public views from or through the subject property. **(Affirmative finding)**

*(d) Protection of important cultural resources*

There are no known archaeological resources on the property. **(Affirmative finding)**

*(e) Supporting the use of alternative energy*

There is no indication that the proposed renovations will include the use of alternative energy. In any event, the proposed work will not adversely impact the actual or potential use of alternative energies by neighboring properties. **(Affirmative finding)**

*(f) Brownfield sites*

**(Not applicable)**

*(g) Provide for nature's events*

See Sec. 5.5.3 for construction site erosion control. The newly proposed entryway into the guest suite will be sheltered from the elements with a new roof. **(Affirmative finding)**

*(h) Building location and orientation*

No changes to existing building location or orientation are proposed. **(Affirmative finding)**

*(i) Vehicular access*

Vehicular access will remain unchanged. **(Affirmative finding)**

*(j) Pedestrian access*

Pedestrian access will remain unchanged. The bed and breakfast is easily accessible by foot. **(Affirmative finding)**

*(k) Accessibility for the handicapped*

No handicap accessibility is evident or required with this proposal. **(Affirmative finding)**

*(l) Parking and circulation*

Two additional parking spaces are included in this approval and will entail the removal of a detached shed and conversion of some yard space to parking. A single existing parking space will be lost to the new exterior stairway to access the guest suite. One net new parking space will result. Parking configuration remains acceptable with adequate room for the spaces and circulation. **(Affirmative finding)**

*(m) Landscaping and fences*

New landscaping is proposed; however, beyond clearly delineated green spaces, details are lacking. The locations of new trees and/or shrubs are needed on the site plan or on a separate landscaping plan. The location of an existing fence will be modified, and a new length of matching fence will be installed. **(Affirmative finding as conditioned)**

*(n) Public plazas and open space*

No public plaza or open space is included or required in this proposal. **(Affirmative finding)**

*(o) Outdoor lighting*

See Sec. 5.5.2.

*(p) Integrate infrastructure into the design*

No new utilities are included, except that existing utility service will be extended to the barn for the guest suite. No new dumpsters or mechanical equipment are proposed. **(Affirmative finding)**

**Part 3, Architectural Design Standards**

**Sec. 6.3.2, Review Standards**

Exterior building modifications are modest and are covered under Sec. 5.4.8 of these findings.

**Article 8: Parking**

The existing single family home with a 1 room bed and breakfast requires 3 parking spaces (2 for the single family home and 1 for the bed and breakfast). The additional guest suite requires an additional 1 parking space. As proposed, the required 4 parking spaces will be provided onsite. **(Affirmative finding)**

**II. Conditions of Approval**

1. **Prior to release of the zoning permit**, additional information shall be provided, subject to staff review and approval. Additional information shall include:
  - a. Window cut sheets;
  - b. Garage door cut sheet;
  - c. Outdoor lighting fixture cut sheet and fixture location; and,
  - d. Proposed landscaping details.
2. **EPSC Pre-release Condition:** Prior to release of the zoning permit, the applicant shall obtain written approval of the Erosion Prevention and Sediment Control Plan from the Stormwater Administrator.
3. **Prior to issuance of a certificate of occupancy**, the applicant must obtain written certification from the Stormwater Administrator that, among other things, the project EPSC

plan as approved has been complied with and final site stabilization has occurred. This certification shall be filed with the Department of Planning & Zoning.

4. A state wastewater permit may be required. The applicant is advised to contact the Vermont Department of Environmental Conservation prior to construction.
5. The Applicant/Property Owner is responsible for obtaining all necessary permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes as required.
6. The property must remain owner-occupied in order to continue use of the bed and breakfast. If the residence is not owner-occupied the use as approved under this permit shall cease and the permit shall become null and void.
7. Standard permit conditions 1-15.



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## Description of Carriage Barn Renovation For Elmwood Guest House

42 Elmwood Avenue  
Burlington, Vermont 05401  
802-310-0374

Owner: Sandra A. Lathem

June 10, 2013

### Description of Use:

This application seeks permission to renovate the attached carriage barn at 42 Elmwood Avenue for the purpose of improving the structural integrity of the barn and adding a new lodging accommodation to the property.

42 Elmwood Avenue is currently zoned as a single family residence with a bed and breakfast. This proposal does not change the current designation for the property. Elmwood Guest House is currently licensed with the State of Vermont and provides one guest suite accommodation that is located inside the main residence. The maximum occupancy for this guest suite is two adults.

The carriage barn renovation would allow me to offer an additional space living space for my family members or for visitors to Elmwood Guest House. This space would also accommodate a maximum of two adults. An additional parking space has been provided to support this use.

This proposal includes the following improvements to the property:

- replace the existing barn foundation and improve structural framework
- replace the concrete floor in the barn
- replace existing barn windows
- redesign barn doors for access to parking level
- insulate the floor in the mudroom attached to the west wall of the carriage barn
- improve utility access between the main house and the barn via the existing mudroom
- renovate the second story in the carriage barn to become a living space (entrance, kitchenette, bath, and bedroom)
- remove existing shed on the east side of the carriage house and replace with covered exterior staircase and landing to provide access to second story of barn
- bring utilities to the second story of barn (electric, water, plumbing, heat, etc.)
- improve electric service to parking level in barn (barn door, overhead lights, wall outlets, etc.)
- create a storage closet underneath new exterior staircase

- remove detached storage shed from property
- remove tree next to detached storage shed
- redesign parking spaces (4 total spaces – 2 in carriage barn and 2 outside carriage barn)
- relocate existing north fence and add new fence to north east corner of property
- regrade and improve driveway (gravel surface)
- landscape new open spaces

A floor plan sketch for the second level of the carriage barn is attached. Elevation sketches for the south, east, and north sides of the property are also attached.

A site plan is also attached. Four spaces are designated for parking – two spaces in the lower level of the carriage barn and two spaces in the north east corner of the property. Please note that new parking spaces meet the 5 foot setback specification to conform with current regulations. The new staircase and roofed deck (6x6) is set back 5 feet from the property line. Open spaces on the property account for more than 20% of the total lot total square footage (5,470 square feet).

**Proposed Construction Dates:** We anticipate that work on this project will begin in late October 2013 and be completed by March 30, 2014.

**EGH Hours of Operation:** Elmwood Guest House is open by reservation only. Reservations are provided through my website (<http://elmwoodguesthouse.com>) and through promotional literature. EGH will be closed for renovations between October 23, 2013 and completion of the project.

**Employees:** I am the sole proprietor of Elmwood Guest House and live on-site. There are no employees.

**Photographs:** Images are provided on the attached sheet and are available upon request.



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42 Elmwood Ave., Burlington, VT 05401  
(The current guest suite bedroom is located in the front of house, first floor; private entrance via front porch). The proposed renovation will improve the carriage barn loft to become a second accommodation. (View from the West.)



The attached carriage board and shed will be renovated to provide a second lodging accommodation on the second story of the barn. Access to the second lodging will be via a newly built staircase (where the car currently sits). (Note .. this view is the south facing side of the property.)



This shed will be removed completely and replaced with smaller structure (6x6) that includes new roofing, staircase to second story, a small deck (for second story landing), and storage closet underneath staircase.



The carriage barn is attached to the main house via a mudroom and utility room. These barn doors will be removed and replaced with a double wide overhead garage door. New windows will be added to the second story.





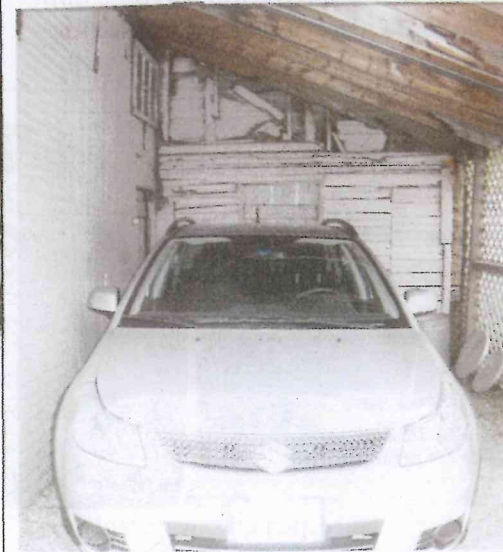
This detached shed and the large tree next to it will be removed to accommodate parking and new landscaping.



This is the current view of the driveway (looking to the east). The garage seen at the far east property line is a neighbor's building.



The lower level of the barn. This foundation will be replaced. Currently, the concrete floor is heaved and cracked and will be replaced completely. New windows will be added to the north side. The barn door entrance will be replaced with an overhead sliding barn door. Electrical outlets and overhead lights will be added. Two vehicles can be parked here.



This is a picture of the current attached shed. Notice the back wall that is very roughly constructed. This will be replaced completely and will include an additional storage closet under the proposed stair case.

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This image denotes the condition of the attached shed. It has been heavily damaged by squirrels that find shelter here in the winter.



This small sitting space sits between the attached shed and the detached shed. It will be redesigned and landscaped to provide parking for two cars and open green space.

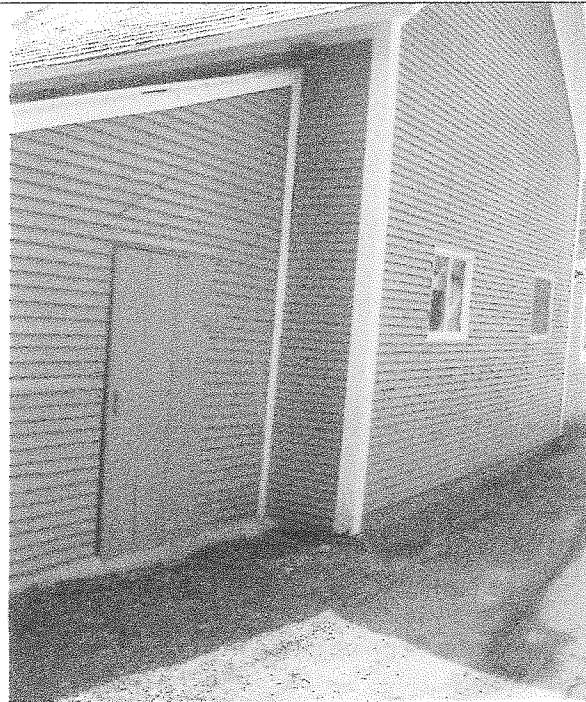


This is the view of the house from the north side of the property. The driveway in this photo belongs to the adjacent property (44 Elmwood Avenue).

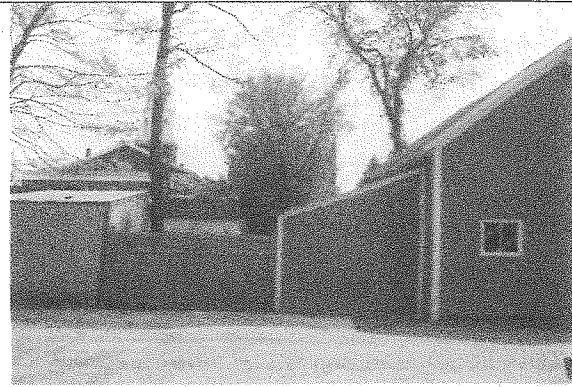


This is the north side of the carriage barn and attached shed as seen from the neighboring property to the north. New windows would be added to the carriage barn on the second story and the attached shed would be replaced with new covered staircase and deck.





The proposed renovation would remove the attached shed and build a new structure that allows access to the second floor. The new structure will be set back 5 feet from the property line. (View ... north side of property).

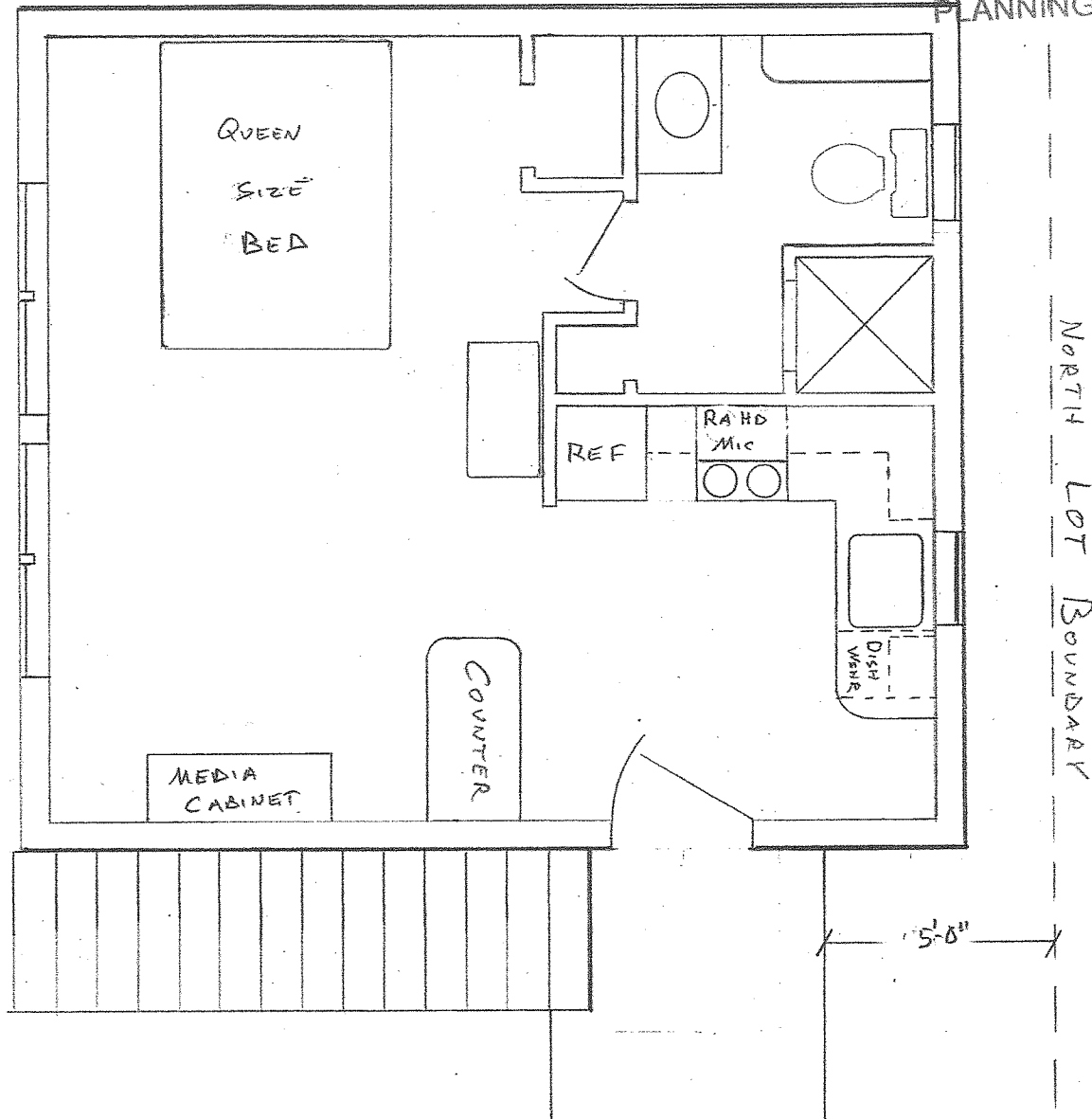


This is the north view of the carriage barn, attached shed, fence, detached shed. The fence would be moved to align with the corner of the existing carriage barn (about a two foot difference to the north) and would extend to the northeast corner of the property.

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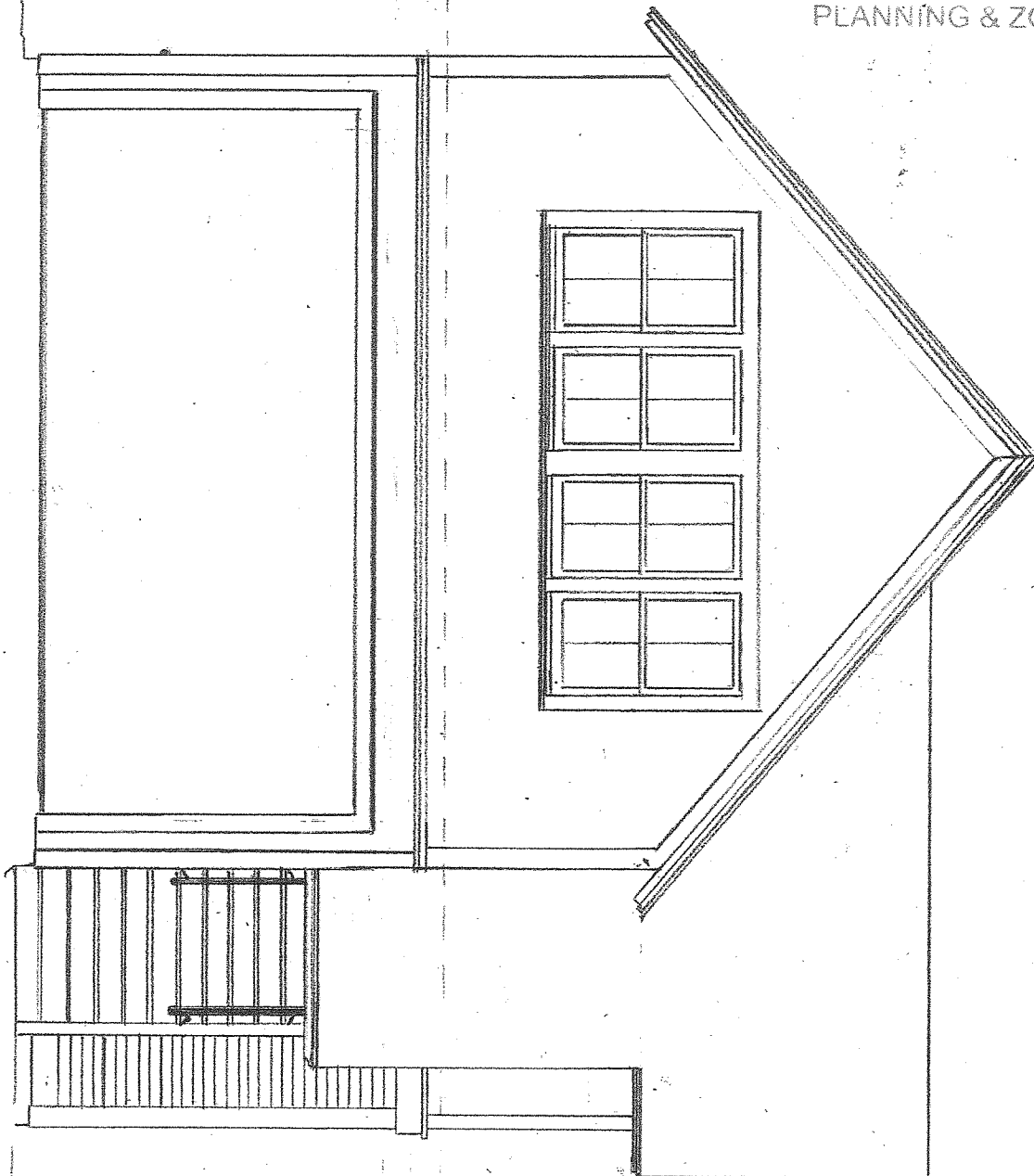


ELMWOOD GUESTHOUSE LATHAM RESIDENCE		
42 ELMWOOD AVENUE BURLINGTON VT 05401		
SCALE: 1/4" = 1'-0"	DATE: 5/31/13	REVISED:
COPYRIGHT © NEW LEAF DESIGN, LLC 10600 RTE 116, SUITE 26, HINESBURG, VT 05461		2ND LEVEL PLAN CARRIAGE HOUSE

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ELMWOOD GUEST HOUSE LATHEM RESIDENCE

42 ELMWOOD AVENUE BURLINGTON VT 05401

SCALE:  
 $\frac{1}{8}" = 1'-0"$

DATE: 5/31/13

REVISED: 6/7/13

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SOUTH ELEVATION  
CARRIAGE HOUSE



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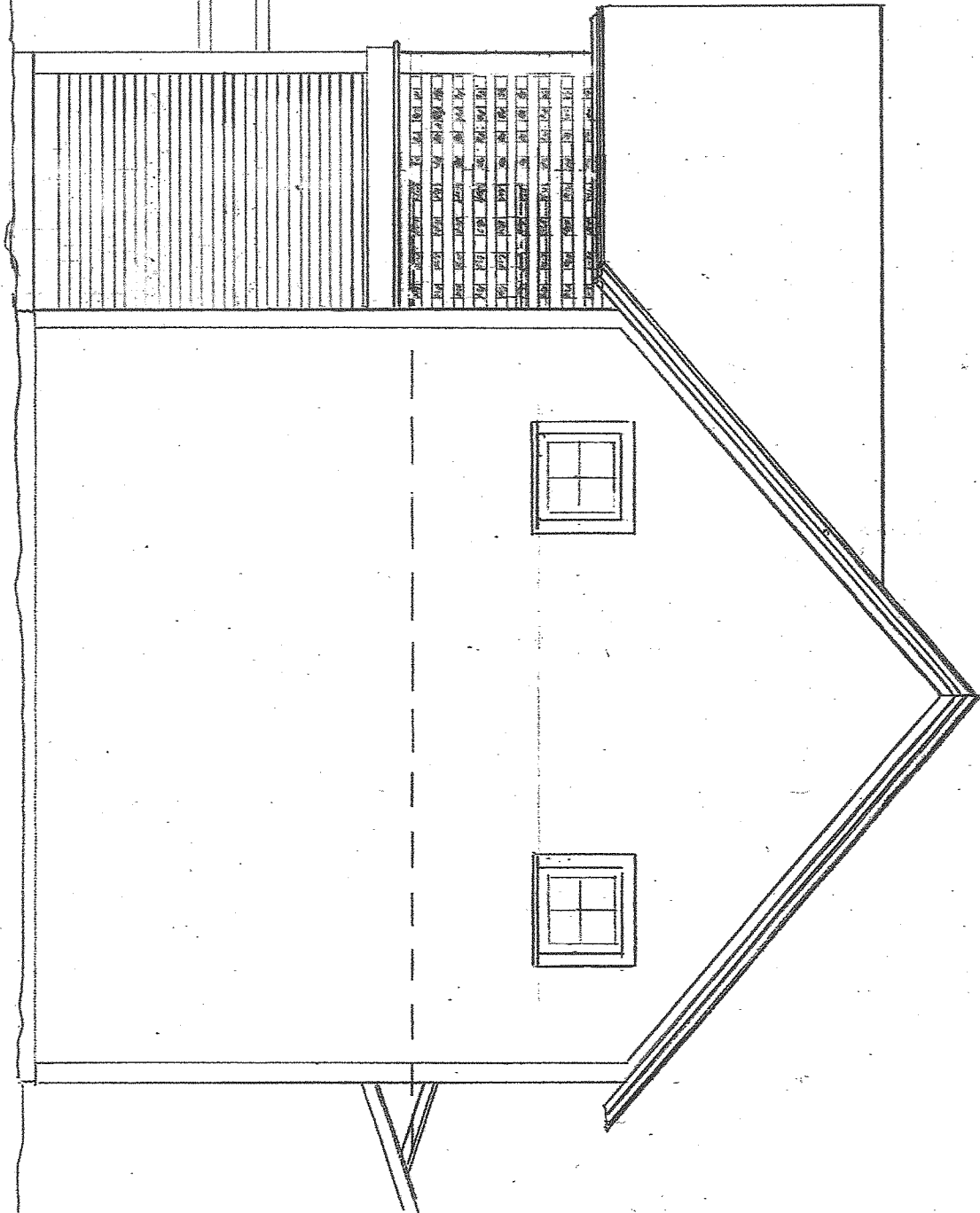
NORTHERN  
PROPERTY LINE

ELMWOOD GUEST HOUSE LATHAM RESIDENCE		
42 ELMWOOD AVENUE BURLINGTON VT 05401		
SCALE: 1/4" = 1'-0"	DATE: 5/31/13	REVISED:
COPYRIGHT © NEW LEAF DESIGN, LLC 10600 RTE 116, SUITE 20, HINESBURG, VT 05461		EAST ELEVATION CARRIAGE HOUSE

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ELMWOOD GUEST HOUSE		
LATHEN RES 42 ELMWOOD AVE BURLINGTON VT		
SCALE: 1/4" = 1'-0"	DATE: 5/16/13	REVISED: 6/7/13
COPYRIGHT © NEW LEAF DESIGN, LLC 10600 RTE 116, SUITE 26, HINESBURG, VT 05461		NORTH ELEVATION

SANDRA A. LATHAM

42.67' x 130'

$$1105660'1 = 01.00$$

SCALE: 1 SQUARE = 3 FT

## OPEN SPACE CALCULATIONS

NORTH SIDE BORDER

$$232 = 2 \times 116$$
$$20 \times 11 = 220$$

12	3	7	11
5	9	1	6

FLOWER BEDS

24 x 3

15 X 5

OX 11

JK 17KD  
97x3

18 X 3  
27 X 3

9x6E  
CY 01

SOUTH SIDE

124x2

74101

50 FT

